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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,762	03/19/2001	Virginia Goss Tusher	M-10523 US	8102

36257 7590 03/12/2004

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EXAMINER

MARSCHEL, ARDIN H

ART UNIT	PAPER NUMBER
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1631

8

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

22004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

The communication, filed on 11/17/03, is non-responsive to the prior Office action, mailed 9/11/03, because the cancellation of non-elected claims in said communication is improper amending, confusing, and also may lead to future processing controversies. On page 2, 2<sup>nd</sup> para., of said communication, the cancellation of non-elected claims is set forth. Claim amending practice now requires a listing of all claims with a status therewith; such as cancelled, original, etc; which is not the form of said communication amendment and therefore improper. Additionally, it is unclear whether only cancellation of non-elected claims in Groups other than Group I is meant vs. also cancellation of non-elected claims via specie election. It may be assumed that the content of said cancellation in the paragraph with the Group I election is meant to be directed only to the Non-Group I claims, however, this is an assumption rather than clearly set forth as such. Even if this assumption were to be viewed as correct, then the citation of cancelled claims, such as claims 23 etc., which read on elected Species A and C in the next paragraph is in conflict with said cancellation. Also, if claim cancellation at the PTO is not what is desired by applicants, future confusion may result due to amending practice preventing the reinstatement of cancelled claims to correct a miscommunication on this issue. In summary, applicants are required to clarify the record as to the status of claims.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. ' 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (571)272-0718. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (571)272-0722.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (571)272-0549 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

February 20, 2004  
09/811,762

*Ardin H. Marschel*  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER